

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION

BERNARD PHILLIPS

PLAINTIFF

VS.

CAUSE NO: 3:22cv170-MPM-RP

HORSESHOE TUNICA, LLC;  
ROBINSON PROPERTY GROUP, LLC; AND  
JOHN AND JANE DOES 1-4

DEFENDANTS

**NOTICE OF REMOVAL**

COME NOW, Defendants, Horseshoe Tunica, LLC and Robinson Property Group, LLC, and respectfully file this Notice of Removal to the United States District Court for the Northern District of Mississippi, Oxford Division, as follows:

I.

This civil action was originally filed in the Circuit Court of Tunica County, Mississippi on July 13, 2022, and proceeded in that Court under cause number 2022-0087. A copy of the Complaint commencing this cause is attached to this Notice as Exhibit “A.”

II.

Pursuant to 28 U.S.C. § 1446(b), Defendants file this Notice of Removal within thirty (30) days of service of the Complaint upon it. This case is removed less than one year after commencement of the State Court action, in compliance with 28 U.S.C. § 1446(c).

**PARTIES**

III.

Upon information and belief, Plaintiff is an adult resident citizen of Jefferson County, Alabama. Exh. “A” at ¶1. Thus, for purposes of diversity jurisdiction, Plaintiff is a citizen of the State of Alabama.

IV.

Horseshoe Tunica, LLC is a wholly owned subsidiary of VICI Properties 1, LLC (i.e. Horseshoe Tunica, LLC's only member is VICI Properties 1, LLC), which is a wholly subsidiary of VICI Properties, L.P. (i.e. VICI Properties, LLC's only member is VICI Properties, L.P.) which is a wholly owned subsidiary of VICI Properties, Inc. (i.e. VICI Properties, L.P.'s only partner is VICI Properties, Inc.). VICI Properties, Inc. is organized and existing under the laws of the State of New York. Thus, for purposes of diversity jurisdiction, Horseshoe Tunica, LLC is a citizen of the State of New York. *See Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5<sup>th</sup> Cir. 2008).

V.

Robinson Property Group, LLC is a wholly owned subsidiary of New Robinson Property, LLC (i.e. Robinson Property Group, LLC's only member is New Robinson Property, LLC), which is owned by Horseshoe Gaming Holding, LLC and Horseshoe GP, LLC (i.e. Horseshoe Gaming Holding, LLC and Horseshoe GP, LLC are the only two members of New Robinson Property Group, LLC).

VI.

Horseshoe Gaming Holding, LLC is a wholly owned subsidiary of Caesars Entertainment Operating Corp., LLC (i.e. Caesars Entertainment Operation Corp., LLC is the only member of Horseshoe Gaming Holding, LLC), which is in turn a wholly owned subsidiary of Caesars Entertainment Corporation, Inc., a Nevada and Delaware Corporation (i.e. Caesars Entertainment Operating Corp., LLC's only member is Caesars Entertainment Corporation, Inc.). Horseshoe GP, LLC is a wholly owned subsidiary of Horseshoe Gaming Holding, LLC, as described above.

Thus, for purposes of diversity jurisdiction, Robinson Property Group, LLC is a citizen of the States of Nevada and Delaware. *See Harvey*, 542 F.3d at 1080.

DIVERSITY OF CITIZENSHIP

VII.

This Court has subject matter jurisdiction over this controversy pursuant to 28 U.S.C. § 1332. The first prong of the jurisdictional statute is met as there is complete diversity of citizenship between Plaintiff, whose citizenship for diversity purposes is Alabama, and defendants, whose citizenships for diversity are states other than Alabama.

AMOUNT IN CONTROVERSY

VIII.

The second prong of 28 U.S.C. § 1332 is also met as the amount in controversy plainly exceeds \$75,000, exclusive of interest and costs. In support, defendants would show that Plaintiff's Complaint alleges that she sustained injuries as a result of the fall in question. Exh. "A" at ¶25. The Complaint further includes claims for permanent impairment and loss of mobility and permanent disability. Exh. "A" at ¶25.

Given the nature and extent of the allegations made against defendants, it is clear Plaintiff's claims for unspecified damages exceed the \$75,000 jurisdictional limit of this Court.

CONCLUSION

IX.

This action is now removable pursuant to 28 U.S.C. §1441(a) and §1446(b), as amended, and written notice of the filing of this Notice of Removal and copies of all process, pleadings, and orders will be served upon Plaintiff's counsel as required by law. Furthermore, pursuant to

the requirements of 28 U.S.C. § 1446(d), a Notice of Filing, attaching a copy of this Notice as an exhibit thereto, will be filed with the Circuit Clerk of Tunica County, Mississippi.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully submit this Notice of Removal from the Circuit Court of Tunica County, Mississippi, to the United States District Court for the Northern District of Mississippi, Oxford Division. Defendant further requests any additional relief to which it may be entitled.

DATED: August 15, 2022.

Respectfully submitted,

HORSESHOE TUNICA, LLC AND  
ROBINSON PROPERTY GROUP, LLC

BY: /s/ Jason R. Hollingsworth  
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**CERTIFICATE OF SERVICE**

I, JASON R. HOLLINGSWORTH, do hereby certify that I have on this date electronically filed the foregoing document with the Clerk of Court using the ECF system which sent notification of such filing to all counsel of record, including:

William G. Shields  
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DATED: August 15, 2022.

/s/ Jason R. Hollingsworth  
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